

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

LIBERTY INSURANCE CORPORATION
a/s/o ALI KEBREAU and HEATHER
SCOTT,

Plaintiff,

v.

SUNBEAM PRODUCTS, INC. d/b/a
JARDEN CONSUMER SOLUTIONS,

Defendant.

Case No. 1:22-cv-4387

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Sunbeam Products, Inc., by and through its counsel, submits this Notice of Removal from the Supreme Court of the State of New York, County of Nassau, in which the above-captioned matter is now pending, to the United States District Court for the Eastern District of New York. In support of said Notice, Defendant states as follows:

Nature of Action

1. This is a strict liability and negligence action for property damages arising from a June 28, 2019 fire that occurred at the residence of Plaintiff's subrogor, Ali Kebreau and Heather Scott, allegedly involving a "Holmes brand fan."

2. Plaintiff commenced this action on June 27, 2022, by filing its Complaint in the Supreme Court of the State of New York, County of Nassau, captioned *Liberty Insurance Corporation a/s/o Ali Kebreau and Heather Scott v. Sunbeam Products, Inc. d/b/a Jarden Solutions*, Index No. 608396/2022.

3. Pursuant to 28 U.S.C. § 1446(a) copies of all process, pleadings and orders served upon Defendant are attached hereto.

Timeliness of Removal

4. Defendant Sunbeam Products, Inc. was served with the attached Summons and Complaint on July 6, 2022. Attached as **Exhibit A** is a copy of the Proof of Service and Complaint as served upon Defendant.

5. This Notice of Removal is being filed within thirty (30) days after receipt of the Complaint by Defendant, and is, therefore timely pursuant to 28 U.S.C. § 1446(b).

Amount in Controversy

6. Plaintiff alleges the following:

24. As a result of the negligence and carelessness of the Defendant, Sunbeam, Plaintiff has sustained damages in the sum of at least \$348,902.83, and Plaintiff's insured incurred a \$2,000.00 deductible.

See **Exhibit A** Count II at ¶24.

7. Plaintiff is seeking in excess of \$75,000.00, exclusive of interests and costs.

Diversity of Citizenship

8. At the time of the commencement of this action, and at all times relevant, Plaintiff, Liberty Insurance Corporation was a Massachusetts corporation with its principal place of business in Boston, Massachusetts. See **Exhibit A** at ¶1.

9. At the time of the commencement of this action, and at all times relevant, Plaintiff's subrogor, Ali Kebreau and Heather Scott were citizens of the State of New York. See **Exhibit A** at ¶2.

10. At the time of the commencement of this action, and at all times relevant, Defendant Sunbeam Products, Inc. was a Delaware corporation with its principal place of business in Boca Raton, FL.

11. Accordingly, pursuant to 28 U.S.C. § 1332(c)(1), full diversity exists among all parties in this action since the Plaintiff and Defendant are citizens of different states.

Plea for Removal

12. Insofar as the amount in controversy is alleged to exceed \$75,000 and full diversity exists between the parties, removal is proper pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(a).

13. Contemporaneously herewith, written notice is given to all parties and to the Clerk of the Supreme Court of the State of New York, County of Nassau, that this Notice of Removal is being filed with the Court. Attached hereto as **Exhibit B** is the Notice of Removal to the Supreme Court of the State of New York, County of Nassau.

14. Venue is proper in this district under 28 U.S.C §1441(a) because the state court where the suit has been pending is located in this district.

WHEREFORE, Defendant Sunbeam Products, Inc. prays that the action captioned *Liberty Insurance Corporation a/s/o Ali Kebreau and Heather Scott v. Sunbeam Products, Inc. d/b/a Jarden Solutions*, Index No. 608396/2022, be removed from the Supreme Court of the State of New York, County of Nassau, to the United States District Court for the Eastern District of New York.

Dated: Garden City, New York
July 22, 2022

GOLDBERG SEGALLA LLP



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